

New Shoreham Town Council Minutes
Town Hall, Old Town Road, Block Island
Wednesday, May 30, 2012
7:00 p.m.

Present: First Warden Kimberley H. Gaffett, Second Warden Raymond J. Torrey, Town Councilor Peter B. Baute, Town Councilor Kenneth C. Lacoste and Town Councilor Richard P. Martin. Also present were Town Manager Nancy O. Dodge, Town Solicitor Katherine Merolla, consultant Richard LaCapra and Waste Water Inspector Donald Thimble. Town Clerk Fiona Fitzpatrick took the minutes of the meeting.

First Warden Gaffett called the meeting to order at 7:00 p.m.

1. Administrative Hearing for violations of the New Shoreham Wastewater Management Ordinance (Chapter 19, Article VII) and Zoning Ordinance Sec. 506: failure to repair or replace failed, steel septic tank - J. Pinney, Plat 8, Lot 109

The First Warden called the hearing to order at 7:00. Mr. Pinney was not present and did not send a representative to the hearing.

Wastewater Inspector Donald Thimble testified the steel tank became noncompliant in 2003 when the ordinance was changed. Mr. Pinney was issued a first and second notice of violation in 2008 under the former ISDS ordinance. At that time the Town solicitor determined the Sewer Commission did not have a clear ability to levy fines. The ordinance was revised in 2008 and 2009 and in March, 2012 the Town Council was empowered to hear appeals and levy fines. Mr. Thimble reissued first and second notices of violation under the new ordinance.

Mr. Thimble answered questions. He said he believed it is the last steel tank in use on Block Island. The tank did not appear to be leaking at the time of the most recent inspection in October 2011. Mr. Pinney had until 2003 to replace the tank. He is living in the house.

Dr. Baute suggested giving Mr. Pinney until June 7 to replace his substandard inadequate tank, then fine him \$50 per day. Ms. Gaffett suggested giving him until July 1 to submit an application to DEM.

Mr. Thimble said Pinney will have to hire engineer for soil evaluation, groundwater depth and system design. Plans are submitted to the Town, then the RI DEM. DEM approval will take about four weeks, and about four weeks for installation. Discussion ensued.

Dr. Baute moved to give Mr. Pinney until July 1, 2012 to submit an application to the DEM, and to give him two weeks after DEM approval to show the Wastewater Inspector proof that he has hired a contractor to install the system, and to levy fines of \$50 per day if the deadlines are not met; and to review the status at the Town Council's next meeting. Motion was seconded by Mr. Martin.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

2. Act on Energy Savings Program Recommendations from Johnson Controls

Present were Jim Cotton, Johnson Control Incorporated (JCI) Area General Manager, and Aaron Albion, Project Manager. Washington County Regional Planning Council Executive Director Jeff Broadhead and Engineer Dave Ward who represents the interests of the Town and WCRPC were also present.

Dr. Baute said he believed some of the building sizes and hours of operation used by JCI were not accurate. Discussion ensued of Dr. Baute's recommendations from JCI's menu:

- Town Hall – computer management system
- Library – computer management, water conservation. After discussion, all weatherization was deemed too costly for the scope of work described.
- Simple thermostats will be considered
- No one was present from the BI School. The Trane HVAC system was discussed; Dr. Hicks reportedly needs more detail but will possibly sign on for a new kitchen hood. The 16 year payback for insulation did not seem worthwhile.

- Dr. Baute did not think JCI's hours of operation for Town Hall were accurate
- Rescue Captain Bryan Wilson said he believes \$17,000 for pipe and valve insulation for the Rescue Building is excessive. All lights were retrofitted two years ago. He does not recommend the ESCO projects for the Rescue Barn.
- Dr. Baute said the 21,060 hour per year for Library operation appeared to be reasonable. Lighting retrofits, weatherization, computer management and water saving are possible but the projected saving is low. Possible savings related to the heating/cooling control system interface may be feasible pending a report from Ward. Discussion ensued regarding dehumidifiers. Lighting retrofit can be added.
- JCI provided combined figures for the Police Station and Fire Barn. Dave Ward explained the buildings cannot be treated separately because the electrical circuits are crossed and there is a single boiler. The single boiler was disputed. Because Council members are considering that the Fire Barn may be replaced in three to five years, they were not in favor of long term retrofits to the building.
- Dr. Baute said the plans for the Water Plant were fairly straightforward and he requested Superintendent Simmons look at the suggestions.
- Health Services: Dr. Baute said the lights in the basement need sensors. The reestimation for attic insulation is \$2,970 dollars.

The next step is to develop a list of action items and get documentation for hours of operation, etc. to revise estimates. The Council will then chose projects.

3. Discussion with Richard LaCapra regarding long and short term lease negotiations with Deepwater Wind for Town property: landfall of electric transmission cables - [this item may be heard in closed session pursuant to Rhode Island General Laws §42-46-5(a)(5) for discussions related to acquisition or lease of property for public purposes]

The first part of the discussion was held in open session. The Town's expert Richard LaCapra and Deepwater Wind Project Manager Bryan Wilson were present. Mr. Wilson said the documents provide for two separate easements for the two cables: Block Island Transmission System (BITS) is the transmission cable from the mainland to Block Island. The other easement is for the cable from the BI Windfarm. The cable from Narragansett and the cable from the wind farm will come together at the Town Beach and travel together to the substation at BIPCo. Half the substation will be owned by BITS and half owned by Deepwater Wind.

Ms. Gaffett said the Council will enter closed session with Attorney Merolla and Mr. LaCapra to discuss negotiation strategies for the long and short term leases. She said no decisions will be made. The decision on the easements will be taken in the future when the topic is on an agenda.

At 8:40 First Warden Gaffett moved to enter closed session pursuant to RIGL 42-46-5(a)(5) for the discussion of acquisition or lease of public property, seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Mr. Wilson and the rest of the audience left.

At 9:55, Ms. Gaffett moved to come out of closed session and seal the minutes. Motion was seconded by Mr. Torrey.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Ms. Gaffett announced no motions were made in closed session.

4. Receive and act on Town Manager report re: TNS Police Union contract negotiations [this item may be heard in closed session pursuant to Rhode Island General Laws §42-46-5(a)(2) for discussions pertaining to collective bargaining]

At 9:55 Ms. Gaffett moved to enter closed session pursuant to Rhode Island General Laws §42-46-5(a)(2) for discussions pertaining to collective bargaining in order to receive the Town Manager's report about Police Union contract negotiations.

At 10:05 First Warden Gaffett moved to come out of closed session and seal the minutes. Motion was seconded by Mr. Torrey.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Ms. Gaffett announced no motions were made in closed session.

At 10:05 Mr. Martin moved to adjourn, seconded by Mr. Lacoste.

Ayes: 5 (Gaffett, Torrey, Baute, Lacoste, Martin) Nays: 0

Minutes approved August 6, 2012

Fiona Fitzpatrick
Town Clerk